

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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In re:

X-TREME BULLETS, INC.,

Debtor.

Case No. 3:19-cv-00637-MMD

Consolidated with

3:19-cv-666-MMD, 3:19-cv-667-MMD,
and 3:20-cv-00117- MMD

Jointly Administered Under Bankruptcy.
Case No. 18-50609-BTB (lead case)

Chapter 11

HOWELL MUNITIONS & TECHNOLOGY,
INC., AMMO LOAD WORLDWIDE, INC.,
CLEARWATER BULLET, INC., HOWELL
MACHINE, INC., FREEDOM
MUNITIONS, LLC, LEWIS-CLARK
AMMUNITION COMPONENTS, LLC, and
COMPONENTS EXCHANGE, LLC.

Jointly Administrated Debtors.

ORDER

UNITED STATES OF AMERICA
DEPARTMENT OF THE TREASURY
ALCOHOL AND TOBACCO TAX AND
TRADE BUREAU

Appellant.

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X-TREME BULLETS, INC., AMMO LOAD WORLDWIDE, INC., CLEARWATER BULLET, INC., FREEDOM MUNITIONS, LLC, HOWELL MACHINE, INC., HOWELL MUNITIONS & TECHNOLOGY, INC., LEWIS-CLARK AMMUNITION COMPONENTS, LLC, COMPONENTS EXCHANGE, LLC, KASH CA, INC.; DAVID HOWELL, Z.B. N.A. dba ZIONS FIRST NATIONAL BANK, CFO SOLUTIONS, LLC dba ADVANCED CFO, Matthew McKinlay and Valerie Grindle.

Appellees.

27 Concerning the fourth appeal from the United States Bankruptcy Court for the District
28 of Nevada (“Bankruptcy Court”) in this consolidated case, Appellees have filed an ex parte

1 motion (“Motion”) requesting leave to file responsive briefing to Appellant the United States
2 of America, on behalf of the Department of the Treasury Alcohol and Tobacco Tax and
3 Trade Bureau’s (“TTB”) reply (ECF No. 69). (ECF Nos. 70, 70-1 (proposed brief), 70-2
4 (proposed order).) The Court will deny the Motion as improper.

5 The Motion is improperly brought as an ex parte request under LR IA 7-2(b). LR IA 7-
6 2(b) provides that “[n]either party nor an attorney for any party may make an ex parte
7 communication with the court except as specifically permitted by court order or the Federal
8 Rules of Civil . . . Procedure.” The local rule further requires that an ex parte motion
9 “articulate the rule that permits ex parte filing and explain why it is filed on ex parte basis.”
10 LR IA 7-2(b). Because Appellees do not explain why the Motion is brought ex parte (see
11 ECF No. 70), ex parte status is improper. The Court therefore declines to address the
12 Motion as an ex parte motion. Appellees must serve the Motion on TTB within one day of
13 when this order is issued to allow TTB the opportunity to respond.

14 The Court also finds that it is necessary to hold a hearing on the fourth appeal—
15 challenging the Bankruptcy Court’s disallowance of TTB’s Claim 52-1. (ECF No. ECF No.
16 62-1 at 461–72; ECF No. 62-2 at 432–442.) The parties should be prepared to address
17 what would be the proper remedy, or next step, if the Court were to find no prima facie
18 showing of a valid proof of claim based on the four corners of Claim 52-1.

19 It is therefore ordered that Appellees’ ex parte motion to file additional briefing (ECF
20 No. 70) is denied. Appellees must serve the motion on TTB within one day of when this
21 order is issued, permitting TTB to respond. TTB has until July 1, 2020, to respond to the
22 motion. No further briefing will be permitted.

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1 It is further ordered that a hearing will be held on July 9, 2020, at 9:00 AM, to
2 address the fourth appeal. The parties should be prepared to address the matter noted
3 herein.

4 DATED THIS 26th day of June 2020.

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7 MIRANDA M. DU
8 CHIEF UNITED STATES DISTRICT JUDGE
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